



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue
Seattle, WA 98101

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July 24, 2003

Reply To
Attn Of: ECL-117

VIA FACSIMILE AND FedEx

David Godlewski
Environmental and Public Affairs Manager
Teck Cominco American Incorporated
15918 E. Euclid Avenue
Spokane, WA 99216-1815

Dear Mr. Godlewski:

Thank you for your letter of July 18, 2003. While we were encouraged to read that Teck Cominco American Incorporated is "not fundamentally opposed" to conducting ecological studies concerning Lake Roosevelt, we need a clearer commitment from your company in order to continue discussions under an alternative sites approach to NPL listing. Specifically, we request that you notify us in writing no later than August 5, 2003, whether Teck Cominco American will commit to:

1. Enter into an administrative order on consent (AOC) with EPA to conduct a remedial investigation/feasibility study (RI/FS) based on the model agreement previously provided to you;
2. Enter into that agreement without other potentially responsible parties being included at this time; and
3. Conduct both the human health and ecological components of the RI/FS.

The other provisions outlined in EPA's June 2002 Superfund Alternative Sites Guidance, which has been provided to you, would of course also apply. This would include a tolling agreement from a party or parties responsible for natural resource damages.

With respect to the scope of the RI/FS AOC, we understand you may have concerns regarding the potential "open-endedness" which the model statement of work may entail for this kind of site. Also, we agree that there are other factors affecting the ecological health of Lake Roosevelt. We are willing to work with you to more carefully detail the work to which you would be committing and if it is determined that work is needed to understand the Upper Columbia River system for which Teck Cominco is not responsible under the Comprehensive Environmental Response, Compensation, and Liability Act, EPA would pursue alternative funding sources for this work. In addition, we are, like you, also interested in answering the Upper Columbia Working Group's concerns related to human health, and are willing to structure the



work to ensure that those issues are given priority. However, to ensure a meaningful outcome for our collective efforts, we have to emphasize that both human health and ecological studies must be conducted under EPA oversight and without a specific monetary cap.

As to other potentially responsible parties participating and/or helping to fund the RI/FS, EPA will continue to look for such parties, as should Teck Cominco. EPA has added other responsible parties to RI/FS efforts, where appropriate, at other sites and would be willing to do so for this site. But the success of EPA identifying and pursuing other responsible parties cannot be a condition to Teck Cominco's commitment to proceed at this time. Further, as you know, Teck Cominco American could itself identify and pursue any additional parties it believes are liable at any time in this process.

Thank you for your continued efforts on this matter. We look forward to your response by August 5th.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Crofton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas Eaton, Associate Director
Office of Environmental Cleanup

cc: Jim Pendowski, WA State Dept. of Ecology
Jude Van Buren, WA State Department of Health
Joseph Pakootas, The Colville Confederated Tribes
Alfred Peone, The Spokane Tribe of Indians
Board of Commissioners, Ferry County
Board of Commissioners, Grant County
Board of Commissioners, Lincoln County
Board of Commissioners, Lincoln County
Board of Commissioners, Okanogan County
Board of Commissioners, Pend Oreille County
Board of Commissioners, Stevens County